UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,966	11/29/2000	Sangeetha Narasimhan	10003088-1	1711

7590   11/17/2006

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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EXAMINER
PARK, CHAN S

ART UNIT	PAPER NUMBER
2625	

DATE MAILED: 11/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Advisory Action *Before the Filing of an Appeal Brief*	Application No. *09/726,966*	Applicant(s) NARASIMHAN, SANGEETHA
	Examiner CHAN S. PARK	Art Unit 2625	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>18 October 2006</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

      Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See the appended sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

DOUGLAS Q. TRAN
PRIMARY EXAMINER

Advisory Action

1.   The amendment filed 10/18/06 under 37 CFR 1.116 in reply to the final rejection

has been considered but is not deemed to place the application in condition for

allowance and will not be entered because:

a.   Applicant's arguments have been fully considered but they are not

persuasive.

"Toner Density Setting"

The applicant states "Mantell is directed to an inkjet printer, not a laser printer.

Mantell, therefore, does not teach any kind of toner density setting." First of all, it is

questionable as to why such an argument is raised at the end of the prosecution. It is

clear from the remark filed on 6/5/06 that the applicant did not have any objections

regards to the rejection on this particular limitation. Since there was no amendment to

the claims, the argument could/should have been raised during the earlier stage of the

prosecution in order to be considered. Furthermore, the applicant's assertion that the

inkjet printer inherently does not relate to any kind of toner density setting is inconsistent

with the original Specification. Referring to page 4, lines 5-15 of the Specification, the

toner density setting, which is construed to be either a draft mode or standard mode, is

applied to an inkjet printer in the current invention. Therefore, in light of the

Specification, the current claim wording is not apparent to distinguish whether the

claimed printer is limited only to a laser printer.

Printer Controller Ascertaining and Selecting

The applicant states that the printer driver of Mantell "makes recommendations and the user makes selections. Even if the recommendation made by printer driver 84 is deemed a selection of some sort, it must still be validated by the user." Upon careful review of the claim wording, it is noted that the claims do not recite whether the automatic selection leads to the direct printing without any further validation/instruction by the user. Rather, the claims are simply directed to merely selecting, that is a selection of some sort, of a print job parameter by a printer controller. The Mantell step of automatically highlighting one particular parameter by the printer driver 84, which apparently controls the printer, clearly meets this claimed limitation. Again, the current claim wording is not apparent to distinguish whether the automatic selection is the final selection or it requires another manual selection.